

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

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|-----------------------------|---|----------------------------------|
| BRENDA JOHNSON, |) | |
| |) | |
| Plaintiff, |) | Case No. 2:12-cv-1230 |
| |) | |
| v. |) | Judge Terrance F. McVerry |
| |) | Chief Magistrate Judge Lisa Pupo |
| R.R. DONNELLY PRINTING CO., |) | Lenihan |
| <i>et al.</i> , |) | |
| |) | |
| Defendants. |) | |
| |) | |

MEMORANDUM ORDER

Plaintiff commenced this civil action by filing a Motion to Proceed *In Forma Pauperis* which was received by the Clerk of Court on August 27, 2012. The motion was granted and the Clerk then filed the Complaint on August 29, 2012. This case was referred to United States Magistrate Judge Lisa Pupo Lenihan for pretrial proceedings in accordance with the Magistrate Judges Act, 28 U.S.C. §636(b)(1), and Local Rules of Court 72.C and 72.D.

The Magistrate Judge's Report and Recommendation (ECF No. 63), filed on May 9, 2014, recommended that the Third Amended Complaint (ECF No. 53) be dismissed without prejudice based upon Plaintiff's failure to prosecute. Service was made on counsel of record and on Plaintiff at 7228 Thomas Blvd., Apt. 1A, Pittsburgh, PA 15208, via certified mail, return receipt requested, and via regular First Class mail. The parties were informed that in accordance with the Magistrate Judges Act, 28 U.S.C. § 636(b)(1)(B) and (C), and Rule 72.D.2 of the Local Rules of Court, that they had fourteen (14) days to file any objections. To date, no objections have been filed to the

Report and Recommendation. In addition, the copy of the Report and Recommendation mailed to Plaintiff on 5/9/04 via certified mail, return receipt requested was returned to the Court in an unopened envelope bearing a yellow sticker which stated "Return to Sender/Not Deliverable as Addressed/Unable to Forward." See Remark dated 6/03/14 in Civil Docket for Case No. 2:12-cv-1230-TFM-LPL, W.D.PA.

After review of the pleadings and documents in the case, together with the Report and Recommendation, the following Order is entered:

AND NOW, this 5th day of June, 2014,

IT IS HEREBY ORDERED that Plaintiff's Third Amended Complaint (ECF No. 53) is **DISMISSED WITHOUT PREJUDICE** for failure to prosecute.

IT IS FURTHER ORDERED that the Report and Recommendation (ECF No. 63) of Chief Magistrate Judge Lenihan dated May 9, 2014, is adopted as the opinion of the Court.

The Clerk of Court is directed to mark this case closed.

BY THE COURT:

s/ Terrence F. McVerry
TERRANCE F. McVERRY
United States District Judge

cc: All Counsel of Record
Via Electronic Mail

Brenda Johnson
7228 Thomas Blvd., Apt. 1A,
Pittsburgh, PA 15208
*Via First Class U.S. Mail &
Certified Mail/Return Receipt Requested*